



## **RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON**

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# RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

## SECTION 1 - AUTHORITY

The Auburn City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

## SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk shall be responsible for preparing agendas for all City Council meetings pursuant to the authority of Section 2.03.100 of the City Code<sup>1</sup>.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

**2.1 Regular Meetings** - In accordance with Sections 2.06.010 and 2.06.020 of the City Code, the regular meetings of the City Council shall be held on the first and third Mondays of every month at in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Regular Council meetings will begin at the hour of 7:30 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

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<sup>1</sup> 2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues appropriate for consideration by the council and the various boards, commissions and committees of the city. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 5761 § 1, 2003.)

In the event that a scheduled Council meeting falls on a legal holiday, the meeting shall be held at 7:30 p.m. on the first business day following the holiday.

The Mayor shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the Mayor's immediate left. When the Deputy Mayor is acting as the Presiding Officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as directed by the Committee on Committees.

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

- 2.2 **Special Meetings** - In accordance with Section 2.06.040 of the City Code and Section 35A.12.110 RCW, a special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting.

[See ACC 2.06.040 (1957 code § 1.04.070).]

- 2.3 **Emergency Meetings** - Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.

- 2.4 **Executive Sessions** - A Council meeting that is closed except to the Council, the Mayor, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.

Executive sessions may be held during Regular and Special meetings of the City Council and during Council Committee meetings, and will be announced by the Mayor or Chair. Executive session subjects are limited to considering such matters as permitted by State law.

[See former ACC 2.06.070 (1957 code § 1.04.080).]

- 2.5 **Cancellation of Meetings** - Meetings may be canceled by a majority vote of the Council and proper notice given by the City Clerk.

## **SECTION 3 - ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA**

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

The agenda format of the Regular City Council meeting shall be as follows:

### **3.1 Call to order.**

The Mayor shall call the meeting to order.

### **3.2 Roll call.**

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor in advance of the meeting. The reason for the request shall be given at the time of the request.

### **3.3 Flag salute.**

The Mayor, Councilmembers and, at times, invited guests will lead the flag salute.

### **3.4 Announcements, Proclamations and Presentations**

A proclamation is defined as an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

### **3.5. Appointments**

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

### **3.6 Agenda modifications**

Changes to the Council's published agenda are announced at this time.

### 3.7 Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The Mayor will state the public hearing and/or appeal procedures before each hearing.

### 3.8 Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the Presiding Officer.

Citizens may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the Mayor.

### 3.9 Correspondence

### 3.10 Council Committee Reports

Council Committee Chairs report on action and activities of their respective Council Committees. In giving Committee Reports, the Chair or other committee member giving the Report is encouraged to defer detailed reporting regarding resolutions and ordinances that are on the current Council agenda. Then, during discussion on a motion, the Chair or other committee member is encouraged to give a description of the intention, or process of consideration of the ordinance or resolution.

### 3.11 Councilmember Reports

Councilmembers may report on their significant city activities since the last regular meeting. Councilmembers shall limit their reports to not more than three (3) to five (5) minutes.

### 3.12 Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

- A. Approval of minutes.
- B. Fixing dates for public hearings and appeals.
- C. Approval of claims and vouchers, bid awards and contracts.
- D. Approval of surplus property.
- E. Other items designated by the City Council.

### 3.13 Unfinished Business

Unfinished business of a general nature.

### 3.14 New Business

Business, other than ordinances and resolutions, that has not been previously before the City Council.

### 3.15 Ordinances

All ordinances shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their adoption, provided that any councilmember may upon request, have a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

After a motion to adopt an ordinance has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the ordinance, without simply repeating the ordinance title as read by the City Attorney and may choose to comment on any results of Committee action regarding the issue.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of a quorum of the City Council, Provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and Provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

### 3.16 Resolutions

All resolutions shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their passage, provided that any councilmember may upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. It shall not require a second to the request for a full reading of a resolution. It is further provided, however, that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

After a motion to pass a resolution has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the resolution without simply repeating the resolution title as read by the City Attorney, and the councilmember may choose to comment on any results of Committee action regarding the issue.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, Provided that passage of any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council.

### 3.17 Adjournment

Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]

## **SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS**

- 4.1 Councilmembers shall attend Regular Council meetings. Councilmembers will inform the Mayor or the City Clerk if they are unable to attend any Regular Council meeting, or if they knowingly will be late to any meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive or prolonged absences shall be addressed by the City Council on a case by case basis.

[See ACC 2.06.050 and RCW 35A.12.060]

- 4.2 Councilmembers shall attend the meetings of the Council Committees to which they are assigned, including meetings of the Council Committee of the Whole to which all Councilmembers are assigned. Councilmembers will inform the Chair of such Council Committees or the City Clerk if they are unable to attend any meetings of such Council Committees, or shall so inform the Chair or City Clerk if they knowingly will be late to any such Council Committee meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Committee meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive or prolonged absences shall be addressed by the City Council on a case by case basis.
- 4.3 Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, will inform the Mayor or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor or City Clerk if they knowingly will be late to any such Special meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such Special meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive or prolonged absences shall be addressed by the City Council on a case by case basis.
- 4.4 Attendance at Council Committee meetings and Special meetings will not be considered "regular meetings" for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused absences from any Regular or Special meetings, or Committee meetings, shall constitute a violation of these Rules of Procedure.

## **SECTION 5 - PRESIDING OFFICER - DUTIES**

### **5.1 Conduct of Meetings**

The Presiding Officer at all meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the



Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

5.2 The Presiding Officer:

- A. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct;
- B. Shall observe and enforce all rules adopted by the Council;
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- D. Shall recognize Councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;
- E. May affix approximate time limit for each agenda item;
- F. When matters on the agenda are placed, or are able to be placed under more than one classification or category, as defined by the Order of Business, and the matters involve or are closely related to other subject matter, then the Presiding Officer may, in the Presiding Officer's discretion, present such matters before the Council, for discussion, consider and vote, at a different place in the agenda without the necessity of any vote thereon, notwithstanding their initial different placement on the written agenda.

[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]

## SECTION 6 - COUNCILMEMBERS

- 6.1 Remarks. - Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate.
- 6.2 Questioning. - Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under

no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being interrogated.

- 6.3 Obligation to the Public Agency. – Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 Councilmembers are expected to participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers.
- 6.5 Councilmembers are encouraged to participate in assignments to regional, state and national committees, agencies and organizations to better represent the interests of the City of Auburn.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

## **SECTION 7 - DEBATES**

- 7.1 Speaking to the Motion. - No member of the Council, including the Presiding Officer, shall speak more than twice on the same motion except by consent of the majority of the Councilmembers present at the time the motion is before the Council.
- 7.2 Interruption. - No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2a of these rules.
- 7.3 Courtesy. -All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Transgression. - If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case

such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.

- 7.5 Challenge to Ruling. - Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

## **SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS**

- 8.1 All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).
- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege; therefore a second is not needed.
- 8.3 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.
- 8.4 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.6 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in

advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.

- 8.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.8 A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.
- 8.9 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.13 Motions that cannot be amended include: Motion to adjourn, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The Mayor, City Attorney or City Clerk should repeat the motion prior to voting.

- 8.17 The City Clerk will take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law.
- 8.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. In order to afford Councilmembers who voted in the majority the potential basis for a motion for reconsideration, Councilmembers who voted in the majority may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote.
- 8.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council.

[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]

## **SECTION 9 - VOTING**

- 9.1 Voice vote - A generalized verbal indication by the Council as a whole of “yea or nay” vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.
- 9.2 Roll call vote - A roll call vote may be requested by the Mayor or by any Councilmember.
- 9.3 Abstentions - It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- 9.4 Votes by Mayor - Except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

[See former ACC 2.06.150 (1957 code § 1.04.150).]

## **SECTION 10 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL**

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk's desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

## **SECTION 11 - PUBLIC HEARINGS AND APPEALS**

- 11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:
- A. The Department Director of the department (most) affected by the subject matter of the hearing, or said Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.
  - B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
  - C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
  - D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
  - E. The City Clerk shall serve as timekeeper during these hearings.
  - F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.
- 11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:

- A. The Department Director or designee shall present the issue to the Council and respond to questions.
- B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The Presiding Officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the Presiding Officer.
- C. The City Clerk shall serve as timekeeper during these hearings.
- D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
- E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
- F. The Presiding Officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

## **SECTION 12 - DEPUTY MAYOR**

12.1 Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, shall designate one of their members as Deputy Mayor for such period as the Council may specify.

12.2 The Deputy Mayor shall perform the following duties:

### **Intra-Council Relations**

- Serve as an ex-officio member of all standing committees of the city council
- Assist in new councilmember training
- Support cooperative and interactive relationships among council members
- Work with Administration to prepare agendas for committee of the whole meetings

### **Mayor-Council Relations**

- Help maintain a positive and cooperative relationship between the mayor and the city council
- Act as conduit between the mayor and the city council on issues or concerns relating to their duties

### **Intergovernmental and Community Relations**

- Act in absence of mayor as requested and/or as required

- Be aware of all city regional and intergovernmental policies and activities in order to be prepared to step into the role of Mayor if necessary

12.3 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

## **SECTION 13 - COUNCIL POSITION VACANCY**

13.1 In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.

## **SECTION 14 - COUNCIL MEETING STAFFING**

14.1 Department Directors shall attend all meetings of the Council unless excused.

14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused.

[See former ACC 2.06.060 (1957 code § 1.04.160).]

## **SECTION 15 - COUNCIL RELATIONS WITH STAFF**

15.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.

15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.

15.3 It is the intent of Council that all pertinent information asked for by individual Council members shall be made available to the full Council.



- 15.4 Individual Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters. Councilmembers who serve council committee overseeing the activities involved may, with the consent of the Mayor and the committee chair, participate in discussions related to these matters to give policy guidance and legislative direction.
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council or being initiated through the Council Committee process.
- 15.7 All councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff. Council committee chairs and the Deputy Mayor may work with the Mayor's designated staff to prepare agendas and facilitate their committee work.
- 15.8 Councilmembers shall treat City staff with courtesy and respect.
- 15.9 Any written communication with staff shall also include the Mayor as a recipient.

## **SECTION 16 - COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS**

16.1 The Standing Committees of the City Council of the City of Auburn are as follows:

A. PUBLIC WORKS:

Makes recommendations to the City Council as a whole on policies relating to water and sanitary sewer utilities, storm drainage, streets and policy matters involving construction, engineering, right-of-way use, street vacation and equipment maintenance and operations. This Committee will coordinate equipment rental and utility matters with the Finance Committee. The Committee will serve as the Council's liaison for the Transportation, Transit and Trails Committee and special transportation advisory committees.

B. FINANCE:

In addition to the normal monitoring of the financial expenditures of the approved budget, this Committee will make recommendations to the City Council as a whole on policies relating to human resources, municipal court, legal, information services, and City real property transactions including sale, lease, acquisition, and donations. This committee will coordinate property transactions with other appropriate Council Committees. The Committee will serve as Council's liaison for the Tourism Board.

C. PLANNING AND COMMUNITY DEVELOPMENT:

Makes recommendations to the City Council as a whole on policies relating to land use planning and zoning, code enforcement, annexation, building permits, human services, parks, cultural arts and public art, museum, Mary Olson Farm, communications, and economic development. The Committee will serve as the Council's liaison for the Arts Commission, King County Library, Urban Tree Board, Parks and Recreation Board, Planning Commission, Human Services Committee, Museum board and Multicultural Roundtable.

D. MUNICIPAL SERVICES:

Makes recommendations to the City Council as a whole on policies relating to police, animal control, emergency planning, community services, telecommunications, solid waste, airport, senior center, Auburn International Farmers' Market, golf course and cemetery. The Committee will serve as the Council's liaison for the Airport Advisory Board and Cemetery board.

E. LES GOVE COMMUNITY CAMPUS COMMITTEE

Makes recommendations to the City Council as a whole on policies relating to development and ongoing use of the Community Center and Activity Center facilities at Les Gove Community Campus.

F. DOWNTOWN REDEVELOPMENT COMMITTEE

Makes recommendations to the City Council as a whole on policies relating to development in the Downtown Urban Core, downtown development agreements and operating policies. The Committee will serve as the Council's liaison for the Auburn Downtown Association, the Business Improvement Area Board and the Urban Core Task Force.

G. COUNCIL OPERATIONS COMMITTEE:

There is created and established a Council Operations Committee for the city council, the appointment, duties and functions thereof to be as follows:

1. Appointment. Membership of the Council Operations Committee shall consist of the Deputy Mayor and the two other Councilmembers having the longest tenure on the City Council. Longest tenure is to be calculated as the total length of consecutive service as a Councilmember. The Deputy Mayor shall be the Chair of the Council Operations Committee. In the event two or more members have equal tenure, the Chair and members of the Council Operations Committee shall be selected on the basis of the largest number of votes received at the most recent general election(s) in which the Councilmembers were respectively elected. It is provided, however, that Councilmembers whose term of office will expire prior to or during the first meeting of a new City Council and who have not been re-elected or appointed to another term of office extending beyond the first meeting of a new City Council shall not be allowed to vote at Council on the approval of the membership of the new committees.

2. Powers and Functions. The function of the Council Operations Committee is to supervise the formation and membership of all standing committees of the City Council. The Council Operations Committee shall, subject to the approval of a majority of the entire City Council, designate all of the standing committees of the City Council. In addition, the Council Operations Committee shall, biennially at the first meeting of a new City Council, or periodically, submit a list of the proposed members of all standing committees of the City Council for approval by a majority vote of the entire City Council. The Council Operations Committee shall also recommend the Chair for each standing committee of the City Council, which recommendations shall also be subject to approval by a majority vote of the entire City Council. The membership of all standing committees of the City Council shall consist exclusively of Councilmembers. Each chair of any standing committee of the City Council shall, in the absence of a quorum at a meeting of his/her particular standing committee, have the authority to appoint a non-member of the standing committee, from the City Council to that standing committee for that meeting to create a quorum for that meeting, or in the chair's absence the vice-chairman shall be able to appoint another Councilmember to that particular committee in the absence of a quorum. The function of the Council Operations Committee is also to propose amendments to the Rules of Procedure of the City Council to the full City Council, and to address issues relating to the whole City Council and make recommendations for action by the full City Council relative to such issues.

The Council Operations Committee shall also evaluate and recommend to the whole City Council any actions, responses or sanctions for violations

by Councilmembers of these Rules of Procedure, which recommendation shall be considered, voted and/or acted upon by the City Council in the normal course.

3. In cases of alleged misconduct or violations of the City Council Rules of Procedures (ROP), the person suspected of the alleged misconduct or violation of the ROP shall be afforded the opportunity to respond, which opportunity shall be given, with advance notice, in an open meeting of the Council Operations Committee (COC) prior to the COC making any recommendations regarding censure or reprimand or other disciplinary action.

4. Meeting Dates. The Council Operations Committee shall meet biennially upon the seating of each new City Council or more often as needed.

[See former ACC 2.06.220 (Ord. 4319 §§ 2, 3, 1989; Ord. 3937 § 1, 1984; Ord. 3606 § 1, 1981; Ord. 2786 § 1, 1974; Ord. 2745 § 1, 1973; 1957 code § 1.04.240).]

- 16.2 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, including such ad hoc committees.
- 16.3 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with no committee recommendation.
- 16.4 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.
- 16.5 Committee Chairpersons shall have broad discretion in conducting their meetings. They will generally follow Roberts Rules of Order, Newly Revised.
- 16.6 Committee Chairpersons, or a majority of the members of the Committee, may allow audience participation that is related to the agenda item being discussed by the Committee, and audience participation regarding subjects falling within the areas of responsibility of the Committee may come from any non-member of the Committee, including members of the City Council who are in attendance.

- 16.7 Committee Chairpersons shall approve all agenda items and may, at their discretion, remove or add agenda items during the course of the meeting.
- 16.8 Prior to publication of the agenda in which minutes are to be approved by the Committee, the Committee Chairperson, or the person who will be presiding over the meeting, shall review the draft minutes of Committee meetings.

## **SECTION 17 - COUNCIL REPRESENTATION & INTERNAL COMMUNICATION**

- 17.1 If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember needs to state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position.
- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.
- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.
- 17.4 Communication among Councilmembers shall conform to the following parameters:
  - A. To assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used as "sequential meetings," Councilmembers should refrain from emailing Councilmembers about such agenda items. Councilmembers should be prepared to communicate about matters that are on upcoming Committee agendas or Council agendas at the public meetings. If Councilmembers wish to share information with other councilmembers about matters that are on upcoming agendas, the councilmembers should forward that information to the Mayor for distribution in the committee or council meeting packets.
  - B. Councilmembers may communicate via email to other Councilmembers, including to a quorum of a Council committee or the full City Council about

matters within the scope of the Committee's authority or related to City business, but not yet scheduled on upcoming Committee or Council agendas, to indicate a desire that certain items be included on upcoming meeting agendas; provided that Councilmembers shall never ask for responses from the other Councilmembers in that communication.

- C. Email communication among Councilmembers relating to City operations should also include the Mayor as a recipient/addressee.
- D. Councilmembers may email the Mayor about City business without limitations or restrictions.

#### 17.5 Internet & Electronic Resources/Equipment Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Auburn Administrative Policy and Procedure 500-03, "Internet & Electronic Resources/Equipment Use – Elected Officials" adopted hereby and incorporated herein by this reference.

It is important to note that all letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (RCW 42.56), are public records.

- B. Electronic Communications.

- (1) Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
- (2) All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
- (3) Electronic communications that are intended to be shared among a quorum of the City Council or Council Committee, whether concurrently or serially, must be considered in light of the Open Public Meetings Act. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further, the

use of electronic communication to form a collective decision of the Council shall not occur.

- (4) Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- (5) Electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
- (6) As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.

## **SECTION 18 - TRAVEL AUTHORIZATION**

- 18.1 In accordance with the City of Auburn travel policy, approvals or expenditure of travel related costs and/or approval of specific travel events or activities by Councilmembers beyond the authority provided in the travel policy shall be as follows: the requesting Councilmember shall submit his/her request to expend travel related costs and/or request for authorization for specific travel purposes to the Mayor to be included on an upcoming Council meeting agenda in advance of the date(s) of such expenditure or travel. The City Council may pursuant to a motion, approve the request by a majority vote of a quorum of the City Council at the meeting in which the matter is considered.

## **SECTION 19 - CONFIDENTIALITY**

- 19.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

## **SECTION 20 – ENFORCEMENT OF RULES OF PROCEDURE**

20.1.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.



City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009

Amended by Resolution No. 4615, July 6, 2010

Amended by Resolution No. 4686, February 22, 2011

Amended by Resolution No. 4740, August 15, 2011